

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**EMPIRE PHARMACY, INC.,
KAHLID HASAN ALI, OWNER,
Pharmacy Permit No. PHY 51594;**

and

**KAHLID HASAN ALI,
Pharmacist License No. RPH 61560,**

Respondents.

Agency Case No. 7192

OAH No. 2022020375

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on December 14, 2022.

It is so ORDERED on November 14, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large initial "S" and "O".

Seung W. Oh, Pharm.D.
Board President

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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **EMPIRE PHARMACY, INC.; KAHLID**
15 **HASAN ALI, OWNER and OFFICER**
16 **1340 Massachusetts Avenue**
17 **Riverside, CA 92507**

18 **Pharmacy Permit No. PHY 51594,**

19 **and**

20 **KAHLID HASAN ALI**
21 **8005 Halbrook Terrace**
22 **Riverside, CA 92509**

23 **Pharmacist License No. RPH 61560**

24 Respondents.

Case No. 7192

OAH No. 2022020375

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
26 entitled proceedings that the following matters are true:

27 **PARTIES**

28 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
(Board). She brought this action solely in her official capacity and is represented in this matter by

1 Rob Bonta, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney
2 General.

3 2. Empire Pharmacy, Inc. and Kahlid Hasan Ali (collectively Respondents) are
4 represented in this proceeding by attorney Herbert L. Weinberg of the Fenton Law Group LLP,
5 whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles, CA 90025.

6 3. On or about September 13, 2013, the Board issued Pharmacy Permit No. PHY 51594
7 to Empire Pharmacy, Inc. The Pharmacy Permit was in full force and effect at all times relevant
8 to the charges brought in Accusation No. 7192, and will expire on September 1, 2023, unless
9 renewed.

10 4. On or about September 5, 2008, the Board issued Pharmacist License Number RPH
11 61560 to Kahlid Hasan Ali. The Pharmacist License was in full force and effect at all times
12 relevant to the charges brought in Accusation No. 7192, and will expire on April 30, 2024.

13 **JURISDICTION**

14 5. Accusation No. 7192 was filed before the Board, and is currently pending against
15 Respondents. The Accusation and all other statutorily required documents were properly served
16 on Respondents on December 9, 2021. Respondents timely filed their Notice of Defense
17 contesting the Accusation.

18 6. A copy of Accusation No. 7192 is attached as Exhibit A and incorporated herein by
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 7. Respondents have carefully read, fully discussed with counsel, and understand the
22 charges and allegations in Accusation No. 7192. Respondents have also carefully read, fully
23 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary
24 Order.

25 8. Respondents are fully aware of their legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
27 the witnesses against them; the right to present evidence and to testify on its own behalf; the right
28 to the issuance of subpoenas to compel the attendance of witnesses and the production of

1 documents; the right to reconsideration and court review of an adverse decision; and all other
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

3 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
4 every right set forth above.

5 **CULPABILITY**

6 10. Respondents admit the truth of each and every charge and allegation in Accusation
7 No. 7192.

8 11. Respondents agree that their respective Pharmacy Permit and Pharmacist License are
9 subject to discipline and they agree to be bound by the Board's probationary terms as set forth in
10 the Disciplinary Order below.

11 **CONTINGENCY**

12 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
13 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may
14 communicate directly with the Board regarding this stipulation and settlement, without notice to
15 or participation by Respondents or their counsel. By signing the stipulation, Respondents
16 understand and agree that they may not withdraw their agreement or seek to rescind the
17 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
18 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
19 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
20 the parties, and the Board shall not be disqualified from further action by having considered this
21 matter.

22 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
24 signatures thereto, shall have the same force and effect as the originals.

25 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDERS**

7 **IT IS HEREBY ORDERED** that Pharmacy Permit No. PHY 51594, issued to Empire
8 Pharmacy, Inc. is surrendered and accepted by the Board. However, the surrender shall be stayed
9 for a period of 120 days from the effective date as to Empire Pharmacy, Inc. only, by which time
10 the pharmacy shall be sold or closed. In addition, upon signature of the stipulated settlement,
11 Respondent Empire Pharmacy, Inc. shall designate a new Pharmacist-in-Charge within fourteen
12 days.

13 16. In the event that the pharmacy is not sold within the 120-day stay of the surrender set
14 forth herein, Respondent Empire Pharmacy, Inc. shall, within 10 days of the expired stay period,
15 arrange for the destruction of, the transfer to, sale of or storage in a facility licensed and approved
16 by the Board of all controlled substances and dangerous drugs and/or dangerous devices.
17 Respondent Empire Pharmacy, Inc. shall further arrange for the transfer of all records of
18 acquisition and disposition of dangerous drugs to premises licensed and approved by the Board.
19 Respondent Empire Pharmacy, Inc. shall further provide written proof of such disposition and
20 submit a completed Discontinuance of Business form according to Board guidelines.

21 17. In the event that the pharmacy has not identified a potential buyer within the first 100
22 days of the 120-day stay of surrender set forth herein, Respondent Empire Pharmacy, Inc. shall
23 immediately begin to arrange for the continuation of care for ongoing patients of the pharmacy
24 by, at minimum, providing a written notice to ongoing patients that specifies the anticipated
25 closing date of the pharmacy and that identifies one or more area pharmacies capable of taking up
26 the patients' care, and by cooperating as may be necessary in the transfer of records or
27 prescriptions for ongoing patients. Within five days of its provision to the pharmacy's ongoing
28 patients, Respondent Empire Pharmacy, Inc. shall provide a copy of the written notice to the

1 Board. For the purposes of this provision, "ongoing patients" means those patients for whom the
2 pharmacy has on file a prescription with one or more refills outstanding, or for whom the
3 pharmacy has filled a prescription within the preceding ninety (90) days.

4 18. The surrender of Respondent Empire Pharmacy, Inc.'s Pharmacy Permit and the
5 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
6 against Respondent Empire Pharmacy, Inc. This stipulation constitutes a record of the discipline
7 and shall become a part of Respondent Empire Pharmacy, Inc.'s license history with the Board of
8 Pharmacy. Respondent Empire Pharmacy, Inc. understands and acknowledges that, for purposes
9 of Business and Professions Code section 4307, this stipulated surrender is the same as a
10 revocation.

11 19. Respondent Empire Pharmacy, Inc. shall lose all rights and privileges as a pharmacy
12 in California at the end of the 120-day stay of surrender set forth herein.

13 20. Respondent Empire Pharmacy, Inc. understands and agrees that if it ever files an
14 application for licensure or a licensed premises or a petition for reinstatement in the State of
15 California, the Board shall treat it as a new application for licensure.

16 21. Respondent Empire Pharmacy, Inc. may not reapply for any license from the Board
17 for three (3) years from the effective date of this decision. Respondent Empire Pharmacy, Inc.
18 stipulates that should it apply for any license from the Board on or after the effective date of this
19 decision, all allegations set forth in Accusation No. 7192 shall be deemed to be true, correct and
20 admitted by Respondent Empire Pharmacy, Inc. when the Board determines whether to grant or
21 deny the application. Respondent Empire Pharmacy, Inc. shall satisfy all requirements applicable
22 to that license as of the date the application is submitted to the Board, including, but not limited
23 to, taking and passing licensing examination(s) as well as fulfilling any education or experience
24 requirements prior to the issuance of a new license.

25 22. Respondent Empire Pharmacy, Inc. shall relinquish its pharmacy permit, including
26 any indicia of licensure issued by the Board, within ten (10) days of the expiration of the 120-day
27 stay of surrender provided for herein. Respondent Empire Pharmacy, Inc. shall relinquish the
28

1 premises wall license and renewal license to the Board within ten (10) days of the expiration of
2 the 120-day stay of surrender provided for herein.

3 23. Respondent Empire Pharmacy, Inc. and Kahlid Hasan Ali shall be jointly and
4 severally liable to pay \$18,320.00 to the Board for its costs associated with the investigation and
5 enforcement of this matter pursuant to Business and Professions Code Section 125.3. The
6 obligation to pay cost recovery shall be paid in full within 120 days of the effective date of the
7 Decision and Order. The Board may enforce this order for payment of its costs in any appropriate
8 court and by any appropriate means.

9 **IT IS HEREBY FURTHER ORDERED** that Pharmacist License No. RPH 61560 issued
10 to Respondent Kahlid Hasan Ali is revoked. However, the revocation is stayed and Respondent is
11 placed on probation for five (5) years on the following terms and conditions:

12 1. **Obey All Laws**

13 Respondent Kahlid Hasan Ali shall obey all state and federal laws and regulations.

14 Respondent Kahlid Hasan Ali shall report any of the following occurrences to the board, in
15 writing, within seventy- two (72) hours of such occurrence:

- 16 • an arrest or issuance of a criminal complaint for violation of any provision of the
17 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
18 substances laws
- 19 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
20 criminal proceeding to any criminal complaint, information or indictment
- 21 • a conviction of any crime
- 22 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
23 administrative action filed by any state or federal agency which involves
24 Respondent Kahlid Hasan Ali's license or which is related to the practice of
25 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or
26 charging for any drug, device or controlled substance.

27 Failure to timely report such occurrence shall be considered a violation of probation.

28 2. **Report to the Board**

1 Respondent Kahlid Hasan Ali shall report to the board quarterly, on a schedule as directed
2 by the board or its designee. The report shall be made either in person or in writing, as directed.
3 Among other requirements, Respondent Kahlid Hasan Ali shall state in each report under penalty
4 of perjury whether there has been compliance with all the terms and conditions of probation.

5 Failure to submit timely reports in a form as directed shall be considered a violation of
6 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
7 total period of probation. Moreover, if the final probation report is not made as directed,
8 probation shall be automatically extended until such time as the final report is made and accepted
9 by the board.

10 3. Interview with the Board

11 Upon receipt of reasonable prior notice, Respondent Kahlid Hasan Ali shall appear in
12 person for interviews with the board or its designee, at such intervals and locations as are
13 determined by the board or its designee. Failure to appear for any scheduled interview without
14 prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with
15 the board or its designee during the period of probation, shall be considered a violation of
16 probation.

17 4. Cooperate with Board Staff

18 Respondent Kahlid Hasan Ali shall timely cooperate with the board's inspection program
19 and with the board's monitoring and investigation of Respondent Kahlid Hasan Ali's compliance
20 with the terms and conditions of his probation, including but not limited to: timely responses to
21 requests for information by board staff; timely compliance with directives from board staff
22 regarding requirements of any term or condition of probation; and timely completion of
23 documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be
24 considered a violation of probation.

25 5. Continuing Education

26 Respondent Kahlid Hasan Ali shall provide evidence of efforts to maintain skill and
27 knowledge as a pharmacist as directed by the board or its designee.

28 6. Reporting of Employment and Notice to Employers

1 During the period of probation, Respondent Kahlid Hasan Ali shall notify all present and
2 prospective employers of the decision in case number 7192 and the terms, conditions and
3 restrictions imposed on Respondent Kahlid Hasan Ali by the decision, as follows:

4 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
5 undertaking any new employment, Respondent Kahlid Hasan Ali shall report to the board in
6 writing the name, physical address, and mailing address of each of his employer(s), and the
7 name(s) and telephone number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-
8 in-charge, designated representative(s)-in-charge, responsible manager, or other compliance
9 supervisor(s) and the work schedule, if known. Respondent Kahlid Hasan Ali shall also include
10 the reason(s) for leaving the prior employment. Respondent Kahlid Hasan Ali shall sign and
11 return to the board a written consent authorizing the board or its designee to communicate with all
12 of Respondent Kahlid Hasan Ali's employer(s) and supervisor(s), and authorizing those
13 employer(s) or supervisor(s) to communicate with the board or its designee, concerning
14 Respondent Kahlid Hasan Ali's work status, performance, and monitoring. Failure to comply
15 with the requirements or deadlines of this condition shall be considered a violation of probation.

16 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
17 Respondent Kahlid Hasan Ali undertaking any new employment, Respondent Kahlid Hasan Ali
18 shall cause (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-
19 charge, responsible manager, or other compliance supervisor, and (c) the owner or owner
20 representative of his employer, to report to the board in writing acknowledging that the listed
21 individual(s) has/have read the decision in case number 7192, and terms and conditions imposed
22 thereby. If one person serves in more than one role described in (a), (b), or (c), the
23 acknowledgment shall so state. It shall be Respondent Kahlid Hasan Ali's responsibility to ensure
24 that these acknowledgment(s) are timely submitted to the board. In the event of a change in the
25 person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, Respondent
26 Kahlid Hasan Ali shall cause the person(s) taking over the role(s) to report to the board in writing
27 within fifteen (15) days of the change acknowledging that he or she has read the decision in case
28 number 7192, and the terms and conditions imposed thereby.

1 If Respondent Kahlid Hasan Ali works for or is employed by or through an employment
2 service, Respondent Kahlid Hasan Ali must notify the person(s) described in (a), (b), and (c)
3 above at every entity licensed by the board of the decision in case number 7192, and the terms
4 and conditions imposed thereby in advance of Respondent Kahlid Hasan Ali commencing work at
5 such licensed entity. A record of this notification must be provided to the board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of Respondent Kahlid Hasan Ali undertaking any new employment by or through an
8 employment service, Respondent Kahlid Hasan Ali shall cause the person(s) described in (a), (b),
9 and (c) above at the employment service to report to the board in writing acknowledging that he
10 or she has read the decision in case number, and the terms and conditions imposed thereby. It
11 shall be Respondent Kahlid Hasan Ali 's responsibility to ensure that these acknowledgment(s)
12 are timely submitted to the board.

13 Failure to timely notify present or prospective employer(s) or failure to cause the identified
14 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
15 shall be considered a violation of probation.

16 "Employment" within the meaning of this provision includes any full-time, part-time,
17 temporary, relief, or employment/management service position as a pharmacist, or any position
18 for which a pharmacist is a requirement or criterion for employment, whether Respondent Kahlid
19 Hasan Ali is an employee, independent contractor or volunteer.

20 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

21 Respondent Kahlid Hasan Ali shall further notify the board in writing within ten (10) days
22 of any change in name, residence address, mailing address, e-mail address or phone number.

23 Failure to timely notify the board of any change in employer, name, address, or phone
24 number shall be considered a violation of probation.

25 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

26 During the period of probation, Respondent Kahlid Hasan Ali shall not supervise any intern
27 pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible
28 manager or other compliance supervisor of any entity licensed by the board, nor serve as a

1 consultant. Assumption of any such unauthorized supervision responsibilities shall be considered
2 a violation of probation.

3 **9. Reimbursement of Board Costs**

4 As a condition precedent to successful completion of probation, Respondent Kahlid Hasan
5 Ali shall pay to the board its costs of investigation and prosecution in the amount of \$18,320.00
6 and shall be jointly and severally liable for these costs with Respondent Empire Pharmacy, Inc.
7 Respondent Kahlid Hasan Ali shall make full payment of costs within 120 days of the effective
8 date of this decision.

9 **10. Probation Monitoring Costs**

10 Respondent Kahlid Hasan Ali shall pay any costs associated with probation monitoring as
11 determined by the board each and every year of probation. Such costs shall be payable to the
12 board on a schedule as directed by the board or its designee. Failure to pay such costs by the
13 deadline(s) as directed shall be considered a violation of probation.

14 **11. Status of License**

15 Respondent Kahlid Hasan Ali shall, at all times while on probation, maintain an active,
16 current Pharmacist License with the board, including any period during which suspension or
17 probation is tolled. Failure to maintain an active, current Pharmacist License shall be considered
18 a violation of probation.

19 If Respondent Kahlid Hasan Ali 's Pharmacist License expires or is cancelled by operation
20 of law or otherwise at any time during the period of probation, including any extensions thereof
21 due to tolling or otherwise, upon renewal or reapplication Respondent Kahlid Hasan Ali's license
22 shall be subject to all terms and conditions of this probation not previously satisfied.

23 **12. License Surrender While on Probation/Suspension**

24 Following the effective date of this decision, should Respondent Kahlid Hasan Ali cease
25 practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of
26 probation, Respondent Kahlid Hasan Ali may relinquish his pharmacist license, including any
27 indicia of licensure issued by the board, along with a request to surrender the license. The board
28 or its designee shall have the discretion whether to accept the surrender or take any other action it

1 deems appropriate and reasonable. Upon formal acceptance of the surrender of the license,
2 Respondent Kahlid Hasan Ali will no longer be subject to the terms and conditions of probation.
3 This surrender constitutes a record of discipline and shall become a part of Respondent Kahlid
4 Hasan Ali's license history with the board.

5 Upon acceptance of the surrender, Respondent Kahlid Hasan Ali shall relinquish his pocket
6 and/or wall license, including any indicia of licensure not previously provided to the board within
7 ten (10) days of notification by the board that the surrender is accepted if not already provided.
8 Respondent Kahlid Hasan Ali may not reapply for any license from the board for three (3) years
9 from the effective date of the surrender. Respondent Kahlid Hasan Ali shall meet all requirements
10 applicable to the license sought as of the date the application for that license is submitted to the
11 board, including any outstanding costs.

12 13. Practice Requirement – Extension of Probation

13 Except during periods of suspension, Respondent Kahlid Hasan Ali shall, at all times while
14 on probation, be employed as a pharmacist in California for a minimum of 100 hours per calendar
15 month. Any month during which this minimum is not met shall extend the period of probation by
16 one month. During any such period of insufficient employment, respondent must nonetheless
17 comply with all terms and conditions of probation, unless Respondent Kahlid Hasan Ali receives
18 a waiver in writing from the board or its designee.

19 If Respondent Kahlid Hasan Ali does not practice as a pharmacist in California for the
20 minimum number of hours in any calendar month, for any reason (including vacation),
21 Respondent Kahlid Hasan Ali shall notify the board in writing within ten (10) days of the
22 conclusion of that calendar month. This notification shall include at least: the date(s), location(s),
23 and hours of last practice; the reason(s) for the interruption or reduction in practice; and the
24 anticipated date(s) on which Respondent Kahlid Hasan Ali will resume practice at the required
25 level. Respondent Kahlid Hasan Ali shall further notify the board in writing within ten (10) days
26 following the next calendar month during which Respondent Kahlid Hasan Ali practices as a
27 pharmacist in California for the minimum of hours. Any failure to timely provide such
28 notification(s) shall be considered a violation of probation.

1 It is a violation of probation for Respondent Kahlid Hasan Ali 's probation to be extended
2 pursuant to the provisions of this condition for a total period, counting consecutive and non-
3 consecutive months, exceeding thirty-six (36) months. The board or its designee may post a
4 notice of the extended probation period on its website.

5 **14. Violation of Probation**

6 If Respondent Kahlid Hasan Ali has not complied with any term or condition of probation,
7 the board shall have continuing jurisdiction over Respondent Kahlid Hasan Ali, and the board
8 shall provide notice to Respondent Kahlid Hasan Ali that probation shall automatically be
9 extended, until all terms and conditions have been satisfied or the board has taken other action as
10 deemed appropriate to treat the failure to comply as a violation of probation, to terminate
11 probation, and to impose the penalty that was stayed. The board or its designee may post a notice
12 of the extended probation period on its website.

13 If Respondent Kahlid Hasan Ali violates probation in any respect, the board, after giving
14 Respondent Kahlid Hasan Ali notice and an opportunity to be heard, may revoke probation and
15 carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation
16 is filed against Respondent Kahlid Hasan Ali during probation, or the preparation of an
17 accusation or petition to revoke probation is requested from the Office of the Attorney General,
18 the board shall have continuing jurisdiction and the period of probation shall be automatically
19 extended until the petition to revoke probation or accusation is heard and decided.

20 **15. Completion of Probation**

21 Upon written notice by the board or its designee indicating successful completion of
22 probation, Respondent Kahlid Hasan Ali's license will be fully restored.

23 **16. Remedial Education**

24 Within sixty days of the effective date of this decision, Respondent Kahlid Hasan Ali shall
25 submit to the board or its designee, for prior approval, an appropriate program of remedial
26 education related to the drug supply chain requirements and track and trace. The program of
27 remedial education shall consist of at least six hours per year of probation at Respondent Kahlid
28 Hasan Ali's own expense and shall be fifty percent live webinar or in-person. All remedial

1 education shall be in addition to, and shall not be credited toward, continuing education (CE)
2 courses used for license renewal purposes for pharmacists.

3 Failure to timely submit for approval or complete the approved remedial education shall be
4 considered a violation of probation. The period of probation will be automatically extended until
5 such remedial education is successfully completed and written proof, in a form acceptable to the
6 board, is provided to the board or its designee.

7 Following the completion of each course, the board or its designee may require the
8 Respondent Kahlid Hasan Ali, at his own expense, to take an approved examination to test the
9 Respondent Kahlid Hasan Ali's knowledge of the course. If Respondent Kahlid Hasan Ali does
10 not achieve a passing score on the examination that course shall not count towards satisfaction of
11 this term. Respondent Kahlid Hasan Ali shall take another course approved by the board in the
12 same subject area.

13 **17. Ethics Course**

14 Within sixty (60) calendar days of the effective date of this decision, Respondent Kahlid
15 Hasan Ali shall enroll in a course in ethics, at Respondent Kahlid Hasan Ali's expense, approved
16 in advance by the board or its designee that complies with Title 16 California Code of
17 Regulations section 1773.5. Respondent Kahlid Hasan Ali shall provide proof of enrollment upon
18 request. Within five (5) days of completion, Respondent Kahlid Hasan Ali shall submit a copy of
19 the certificate of completion to the board or its designee. Failure to timely enroll in an approved
20 ethics course, to initiate the course during the first year of probation, to successfully complete it
21 before the end of the second year of probation, or to timely submit proof of completion to the
22 board or its designee, shall be considered a violation of probation.

23 **18. Supervised Practice**

24 Within thirty (30) days of the effective date of this decision, Respondent Kahlid Hasan Ali
25 shall submit to the board or its designee, for prior approval, the name of a pharmacist by and not
26 on probation with the board, to serve as Respondent Kahlid Hasan Ali's practice supervisor. As
27 part of the documentation submitted, Respondent Kahlid Hasan Ali shall cause the proposed
28 practice supervisor to report to the board in writing acknowledging that he or she has read the

1 decision in case number 7192, and is familiar with the terms and conditions imposed thereby,
2 including the level of supervision required by the board or its designee. This level will be
3 determined by the board or its designee, will be communicated to Respondent Kahlid Hasan Ali
4 on or before the effective date of this decision and shall be one of the following:

5 Continuous – At least 75% of a work week

6 Substantial - At least 50% of a work week

7 Partial - At least 25% of a work week

8 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

9 Respondent Kahlid Hasan Ali may practice only under the required level of supervision by
10 an approved practice supervisor. If, for any reason, including change of employment, respondent
11 is no longer supervised at the required level by an approved practice supervisor, within ten (10)
12 days of this change in supervision Respondent Kahlid Hasan Ali shall submit to the board or its
13 designee, for prior approval, the name of a pharmacist by and not on probation with the board, to
14 serve as Respondent Kahlid Hasan Ali's replacement practice supervisor. As part of the
15 documentation submitted, Respondent Kahlid Hasan Ali shall cause the proposed replacement
16 practice supervisor to report to the board in writing acknowledging that he or she has read the
17 decision in case number 7192, and is familiar with the terms and conditions imposed thereby,
18 including the level of supervision required.

19 Respondent Kahlid Hasan Ali shall not work independently in Empire Pharmacy, Inc.
20 during the 120 day period the Decision is stayed as to Empire Pharmacy, Inc.

21 Any of the following shall result in the automatic suspension of practice by Respondent
22 Kahlid Hasan Ali and shall be considered a violation of probation:

23 Failure to nominate an initial practice supervisor, and to have that practice supervisor report
24 to the board in writing acknowledging the decision, terms and conditions, and supervision level,
25 within thirty (30) days;

26 Failure to nominate a replacement practice supervisor, and to have that practice supervisor
27 report to the board in writing acknowledging the decision, terms and conditions, and supervision
28 level, within ten (10) days;

1 Practicing in the absence of an approved practice supervisor beyond the initial or
2 replacement nomination period; or

3 Any failure to adhere to the required level of supervision.

4 Respondent Kahlid Hasan Alishall not resume practice until notified in writing by the board
5 or its designee.

6 During any suspension, Respondent Kahlid Hasan Ali shall not enter any pharmacy area or
7 any portion of the licensed premises of a wholesaler, third-party logistics provider, veterinary
8 food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any
9 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
10 substances are maintained. Respondent Kahlid Hasan Ali shall not practice pharmacy nor do any
11 act involving drug selection, selection of stock, manufacturing, compounding, dispensing or
12 patient consultation; nor shall Respondent Kahlid Hasan Ali manage, administer, or be a
13 consultant to any licensee of the board, or have access to or control the ordering, distributing,
14 manufacturing or dispensing of dangerous drugs and/or dangerous devices or controlled
15 substances.

16 During any suspension, Respondent Kahlid Hasan Ali shall not engage in any activity that
17 requires the professional judgment and/or licensure as a pharmacist. Respondent Kahlid Hasan
18 Ali shall not direct or control any aspect of the practice of pharmacy or of the manufacture,
19 distribution, wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled
20 substances.

21 Failure to comply with any suspension shall be considered a violation of probation.

22 **19. No Ownership or Management of Licensed Premises**

23 Respondent Kahlid Hasan Ali shall not own, have any legal or beneficial interest in, nor
24 serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any
25 business, firm, partnership, or corporation currently or hereinafter licensed by the board.

26 Respondent Kahlid Hasan Ali shall sell or transfer any legal or beneficial interest in any entity
27 licensed by the board within ninety (90) days following the effective date of this decision and
28 shall immediately thereafter provide written proof thereof to the board. Failure to timely divest

1 any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation
2 of probation.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it
6 will have on my Pharmacist License RPH 61560 and Pharmacy Permit No. PHY 51594. I enter
7 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
8 and agree to be bound by the Decision and Order of the Board of Pharmacy.

9
10 DATED: _____
11 K AHLID HASAN ALI, individually and on behalf of
12 E MPIRE PHARMACY, INC.
Respondents

13 I have read and fully discussed with Kahlid Hasan Ali the terms and conditions and other
14 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
15 and content.

16 DATED: _____
17 H ERBERT L. WEINBERG
Attorney for Respondents

18 **ENDORSEMENT**

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Board of Pharmacy.

21 DATED: _____ Respectfully submitted,
22 R OB BONTA
23 Attorney General of California
24 G REGORY J. SALUTE
Supervising Deputy Attorney General
25
26 D ESIREE I. KELLOGG
27 Deputy Attorney General
Attorneys for Complainant

1 any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation
2 of probation.

3 ACCEPTANCE

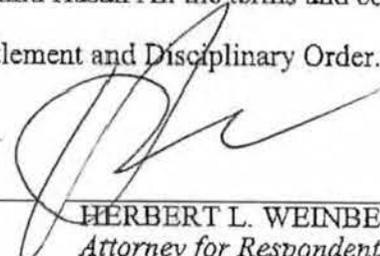
4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it
6 will have on my Pharmacist License RPH 61560 and Pharmacy Permit No. PHY 51594. I enter
7 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
8 and agree to be bound by the Decision and Order of the Board of Pharmacy.

9
10 DATED: 9.26.2022


11 KAHLID HASAN ALI, individually and on behalf of
12 EMPIRE PHARMACY, INC.
Respondents

13 I have read and fully discussed with Kahlid Hasan Ali the terms and conditions and other
14 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
15 and content.

16 DATED: 9/26/2022


17 HERBERT L. WEINBERG
Attorney for Respondents

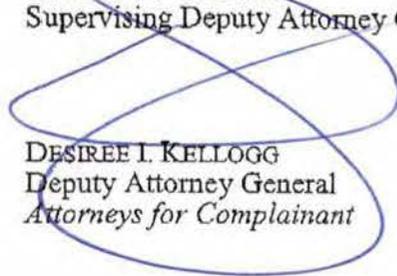
18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Board of Pharmacy.

21 DATED: 9/26/22

Respectfully submitted,

22 ROB BONTA
23 Attorney General of California
24 GREGORY J. SALUTE
Supervising Deputy Attorney General

25
26 
27 DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

28 SD2021801747/83616421.docx

Exhibit A

Accusation No. 7192

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9429
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7192

14 **EMPIRE PHARMACY, INC.**
15 **KAHLID HASAN ALI, OWNER and**
16 **OFFICER**
1340 Massachusetts Avenue
Riverside, CA 92507

ACCUSATION

17 **Pharmacy Permit No. PHY 51594,**

18 **and**

19 **KAHLID HASAN ALI**
20 **8005 Halbrook Terrace**
Riverside, CA 92509

21 **Pharmacist License No. RPH 61560**

22 Respondents.

23
24 **PARTIES**

25 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
26 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

27 ///

28 ///

1 registration, or exemption under Division 2 (commencing with Section 1200) of the
2 Health and Safety Code or under Part 4 (commencing with Section 16000) of
3 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous
4 drugs or dangerous devices.

5 (b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
6 food animal drug retailer shall be jointly responsible, with the pharmacist in charge or
7 representative-in-charge, for maintaining the records and inventory described in this
8 section.

9 9. Section 4105, subdivisions (a), (c) and (f) of the Code state:

10 (a) All records or other documentation of the acquisition and disposition of
11 dangerous drugs and devices by any entity licensed by the board shall be retained on
12 the licensed premises in a readily retrievable form.

13 ...

14 (c) The records required by this section shall be retained on the licensed
15 premises for a period of three years from the date of making.

16 ...

17 (f) When requested by an authorized officer of the law or by an authorized
18 representative of the board, the owner, corporate officer, or manager of an entity
19 licensed by the board shall provide the board with the requested records within three
20 business days of the time the request was made. The entity may request in writing an
21 extension of this timeframe for a period not to exceed 14 calendar days from the date
22 the records were requested. A request for an extension of time is subject to the
23 approval of the board. An extension shall be deemed approved if the board fails to
24 deny the extension request within two business days of the time the extension request
25 was made directly to the board.

26 10. Code section 4113, subdivision (c) states:

27 The pharmacist-in-charge shall be responsible for a pharmacy's compliance
28 with all state and federal laws and regulations pertaining to the practice of pharmacy.

11. Code section 4169, subdivisions (a)(1), (a)(2) and (a)(5) state:

(a) A person or entity shall not do any of the following:

(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or
dangerous devices at wholesale with a person or entity that is not licensed with the
board as a wholesaler, third-party logistics provider, or pharmacy.

(2) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices that
the person knew or reasonably should have known were adulterated, as set forth in
Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104
of the Health and Safety Code.

...

(5) Fail to maintain records of acquisition or disposition of dangerous drugs or
dangerous devices for at least three years.

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12. Code section 4301 states in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or any other state or federal regulatory agency....

13. Code section 4307, subdivision (a) states that:

Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manger, administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

14. Health and Safety Code section 111255 states:

Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

15. Health and Safety Code section 111295 states:

It is unlawful for any person to manufacture, sell, deliver, hold or offer for sale any drug or device that is adulterated.

///
///

1 **REGULATORY PROVISIONS**

2 16. Title 16 of the California Code of Regulations (CCR) section 1714, subdivision (b)
3 states:

4 Each pharmacy licensed by the board shall maintain its facilities, space,
5 fixtures, and equipment so that drugs are safely and properly prepared, maintained,
6 secured and distributed. The pharmacy shall be of sufficient size and unobstructed
7 area to accommodate the safe practice of pharmacy.

8 17. CCR section 1718 states:

9 “Current Inventory” as used in Section 4081 and 4332 of the Business and
10 Professions Code shall be considered to include complete accountability for all
11 dangerous drugs handled by every licensee enumerated in Section 4081 and 4332.

12 The controlled substances inventories required by Title 21, CFR, Section 1304
13 shall be available for inspection upon request for at least three years.

14 **COST RECOVERY**

15 18. Code section 125.3 provides that the Board may request the administrative law judge
16 to direct a licentiate found to have committed a violation or violations of the licensing act to pay a
17 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

18 **DRUGS**

19 19. Descovy is a dangerous drug as defined by Business and Professions Code section
20 4022 and is used to treat the Human Immunodeficiency Virus (HIV).

21 20. Juluca is a dangerous drug as defined by Business and Professions Code section 4022
22 and is used to treat HIV.

23 21. Prezcobix is a dangerous drug as defined by Business and Professions Code section
24 4022 and is used to treat HIV.

25 22. Truvada is a dangerous drug as defined by Business and Professions Code section
26 4022 and is used to treat HIV.

27 **FACTUAL ALLEGATIONS**

28 23. At all relevant times herein, Empire Pharmacy was a community pharmacy located in
Riverside, California. Kahlid Ali was the sole owner, sole officer and pharmacist-in-charge.
Respondents purchased and dispensed expensive, high value HIV drugs.

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THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Records of Acquisition and Disposition of Dangerous Drugs)

29. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o) and section 4081, subdivision (b), for violating Code section 4081, subdivision (a), 4169, subdivision (a)(5) and 4105, subdivisions (a) and (c), in that they did not maintain records of acquisition and disposition for their current inventory of dangerous drugs as defined by title 16, California Code of Regulations, section 1718, and did not maintain records open for inspection or retained on the premises in a readily retrievable form, as set forth above in paragraphs 23 through 26, which are incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Security of Drugs)

30. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating title 16, California Code of Regulations, section 1714, subdivision (b), in that from August 9, 2019 through November 9, 2020, there were overages of 1,110 tablets of Truvada, 2,820 tablets of Descovy, 540 tablets of Juluca and 3,410 tablets of Prezcofix in their inventory, as set forth in paragraphs 23 through 26 above, which are incorporated herein by reference.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

31. Respondents are subject to disciplinary action under Code section 4301 for unprofessional conduct because they engaged in the activities described above in paragraphs 23 through 26.

OTHER MATTERS

32. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY PHY 51594 issued to Empire Pharmacy, Inc., it shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

1 Number RPH 61560 is placed on probation or until the Pharmacist License is reinstated, if it is
2 revoked;

3 6. Ordering Empire Pharmacy, Inc. and Kahlid Hasan Ali to pay the Board of Pharmacy
4 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
5 Professions Code section 125.3; and,

6 7. Taking such other and further action as deemed necessary and proper.

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DATED: 12/7/2021

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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